IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5112 of 2007()

CMP.3643/2007 of J.M.F.C.,KUNNAMANGALAM
CRIME NO.21/2007 OF KUNNAMANGALAM EXCISE RANGE

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: PETITIONERS/ACCUSED

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1. GANESAN, S/O. CHERIAKKAN,
   VADAKKE PULIKUNNATH,
   KUNNAMANGALAM,KARANTHUR ,KOZHIKODE.

2. KRISHNAN,S/O. CHOYI,VELLARANKUNNU
   KUNNAMANGALAM, KOZHIKODE.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5112 of 2007

Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. The petitioners were allegedly found to be in possession of 10 litres of arrack on 15.06.07. They surrendered before the learned Magistrate on 26.07.07 after their application for anticipatory bail was earlier dismissed by this Court. The petitioners continue in custody from 26.07.07. The learned Public Prosecutor submits that the 1st accused has no history of criminal antecedents and the 2nd accused has one case under the Kerala Abkari Act pending investigation.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigator is given reasonable further time to complete the investigation and I am satisfied that the petitioners can now be directed to be enlarged on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall not be released on the strength of this order prior to 25.08.2007. The Investigators shall in the meantime make every endeavour to complete the investigation;

ii) The petitioners shall execute bonds for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioners shall make themselves available for interrogation before the Investigating Officer from the date of their release between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-